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PRE-APPEAL BRIEF REQUEST FOR REVIEW

Docket Number (Optional)

894A.0021.U1(US)

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on January 11, 2011

Signature

Typed or printed name

Jodie Droniak

Application Number

10/590,466

Filed

August 23, 2006

First Named Inventor

Timo Ali-Vehmas

Art Unit

2614

Examiner

Nguyen, Phung H.J.

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).

Note: No more than five (5) pages may be provided.

I am the

☐ applicant/inventor.☐ assignee of record of the entire interest.
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.
(Form PTO/SB/96)☒ attorney or agent of record.Registration number 37,967☐ attorney or agent acting under 37 CFR 1.34.

Registration number if acting under 37 CFR 1.34 _____

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Typed or printed name

203-925-9400

Telephone number

January 11, 2011

Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

☐ *Total of _____ forms are submitted.

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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IN THE U.S. PATENT AND TRADEMARK OFFICE

In re U.S. Patent Application of:

APPLICANTS: Timo Ali-Vehmas

SERIAL NO.: 10/590,466

FILING DATE: 08/23/2006

EXAMINER: Nguyen, Phung H.J.

ART UNIT: 2614

CONFIRMATION NO: 9717

ATTORNEY'S DOCKET NO.: 894A.0021U1US

TITLE: METHOD AND APPLICATION FOR ARRANGING A CONFERENCE
CALL IN A CELLULAR NETWORK AND A MOBILE TERMINAL
OPERATING IN A CELLULAR NETWORK

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PRE-APPEAL BRIEF REQUEST FOR REVIEW (ARGUMENT SECTION)

This paper is filed in response to the final Office Action mailed on October 18, 2010 for the above-captioned U.S. Patent Application. As such, no petition or petition fee is believed to be required. However, should the undersigned attorney be mistaken, please consider this as a petition for any extension of time that may be required to maintain the pendency of this Patent Application, and charge deposit account no. 50-1924 for any required fees. A Notice of Appeal is being filed concurrently with this Request.

The following remarks are believed to demonstrate a clear error(s) in the Examiner's rejections of the subject claims.

By way of background, claims 1-5 and 7-34 are pending. Of those claims, claims 1, 15, 27, 30, 32 and 33 are independent. In the outstanding final Office Action, claims 1-4, 7-10, 13-16, 18-22, 24, 27 and 29-34 are rejected under 35 USC Section 103(a) as being obvious over Kleier (US 2002/0009990) in view of Prasad (US 6,237,026) and Chang (US 2004/0121167). Claims 10, 12 and 34 are rejected under 35 USC Section 103(a) as being obvious over Kleier in view of Prasad and Chang, further in view of Scheuring (US 2002/0131565). Claims 5, 11, 12, 17, 25 and 28 are rejected under 35 USC Section 103(a) as being obvious over Kleier in view of Prasad and Chang, further in view of Wu (US 6,275,575). Claims 23 and 26 are rejected under 35 USC Section 103(a) as being obvious over Kleier. Applicant respectfully disagrees with these

rejections.

The Examiner appears to acknowledge that the independent claims are new with respect to the cited art, but considers that they are obvious based upon a combination of Kleier with Prasad and/or Chang. Applicant disagrees and respectfully asserts that the Examiner is misinterpreting the teachings of Prasad and Chang, and instead using unallowable hindsight to arrive at the features of the presently claimed invention.

In particular, the Examiner contends in the Action that Prasad teaches providing a “summons” wherein “the summons to the meeting is drawn up in such a way that the information regarding the conference call is found at the same points in the summons, and the summons to the meeting includes the telephone number of said convener” (see page 3 of the Action). Applicant respectfully does not agree with this assertion for at least the reasons set forth below. Moreover, in response to the Examiner’s additional assertion in the Action at page 3 that such a feature is “commonly and obviously practiced in the art,” Applicant respectfully disagrees and notes that this general assertion does not appear to be supported by evidence in the Action. For example, Prasad does not teach or suggest such features. Prasad describes a relational database 14 in column 5, lines 26-46. This database appears to show information regarding a conference call being found at specific entries in a table (shown in Figure 4), and which also includes the telephone number of the convener. The Examiner contends that this makes the summons as claimed obvious. However, Applicant respectfully submits that the Examiner has misunderstood the teaching of this document. This relational database 14 is illustrated in Figure 1 of Prasad as being connected to the central computer 11 and as part of a centralized computer system. This data is centralized with the central computer and is therefore not a summons that is provided to respective participants as claimed. This interpretation is further supported by the continuation of column 5, line 47 to column 6, line 40, as well as flowchart Figures 5A and 5B. These sections of Prasad show that computer 11, i.e. the centralized computer and not the participant terminals, uses the table to determine whether a conference commencement time has been reached, and, if so, initialize the conference application and send out an initialization message to each conference attendee. The initialization message is only described to include information such as the title of the conference, as well as the commencement and conclusion times for the

conference. Once received, conference attendees can acknowledge receipt of the initialization message and will send a confirmation message facilitating enrolment, i.e. joining, of the conference. Conference attendees do not have to accept the invite though (see column 6, lines 16-21).

In summary, the relational database 14 is not a summons nor is it intended to act as a summons that is sent to respective participants. Its purpose is to enable centralized automation of sending of individual initialization messages to participants listed as conference attendees in the table. The initialization messages are no different than the invitations as set forth in Kleier. The acceptance of the initialization message is performed in substantially the same way as Kleier, as the participant needs to accept the invitation to join the conference call, i.e. the participants do not make the call, the centralized computer makes the call to the separate participants and they accept the invitation to join that call.

Applicant therefore respectfully submits that this document therefore does not describe a summons wherein *“the summons to the meeting is drawn up in such a way that the information regarding the conference call is found at the same points in the summons, and the summons to the meeting includes the telephone number of said convener”*, and that this document therefore does not show that the participants are automatically joined to the conference call upon *“the respective participants having made the call to the telephone number mentioned in the summons”* as claimed.

The Examiner then asserts that Chang teaches providing a “summons” wherein “the summons to the meeting is drawn up in such a way that the information regarding the conference call is found at the same points in the summons, and the summons to the meeting includes the telephone number of said convener”. Applicant also respectfully disagrees with this assertion, as it appears that Chang provides substantially the same teaching as Prasad. For example, paragraphs 62 to 67 and Figure 4 show a conference record 400. As per the teaching of Prasad, this conference record is created centrally by a provisioning module and the details are entered by a subscriber who wishes to schedule a conference. Irrespective of whether the details are found in the same place in the conference record or not, the conference record is not a summons,

but is a centralized record that is used to create conference messages that are sent from a scheduler 225 to a conference control manager 230 (CCM) in much the same way as the relational database 14 of Prasad. The CCM is described in paragraph 53 of Chang as operating as a hub for the software components implemented in various embodiments. After receiving a conference message from the scheduler the CCM 230 then sets up the conference. Paragraph 54 then describes how the CCM sets up the conference using the details from the instruction received by the CCM from the scheduler (i.e. the conference record 400). In effect, this operates in substantially the same manner as Prasad. Chang can be seen to provide for a centralized way of setting up a conference whereby a central computer calls a series of participants, and the participants join the conference by accepting the individual calls/invitations they receive from the centralized CCM. This does not show a “*summons*” wherein “*the summons to the meeting is drawn up in such a way that the information regarding the conference call is found at the same points in the summons, and the summons to the meeting includes the telephone number of said convener*”. In addition, this document cannot be seen show that the participants are automatically joined to the conference call upon “the respective participants having made the call to the telephone number mentioned in the summons”.

As will be appreciated from the discussion of Prasad and Chang above, these documents teach setting up a conference by a centralized convener calling respective participants who then accept the call. In contrast, embodiments of the claimed invention work by the conference being set up through participants calling the convener (using the summons) and the calls being joined together in the convener terminal. This alleviates the processing weight that is exerted on the convener that otherwise occurs in methods such as Prasad and Chang. In the present independent claimed invention the processing power required to set up the call may be distributed across the participant terminals as they perform the calling, and the convener just has to answer their call to join them to the conference.

It will also be appreciated that in Prasad and Chang the conference set-up is set up by servers and fixed line terminals rather than mobile devices. In contrast, embodiments of the claimed invention and its less demanding processing requirements can be performed by mobile devices with more limited resources. The cited art does not teach that this is possible, and appears to

demand comprehensive tools and processing power to perform their conferencing techniques. The cited art does not consider issues relating to conference calls in mobile telephony. Furthermore, given that neither of the documents describes a "summons" wherein *"the summons to the meeting is drawn up in such a way that the information regarding the conference call is found at the same points in the summons, and the summons to the meeting includes the telephone number of said convener"*, and cannot be seen to show that the participants are automatically joined to the conference call upon *"the respective participants having made the call to the telephone number mentioned in the summons"*, Applicant respectfully submits that these documents could not be properly combined with Kleier to arrive at the features of the present independent claims. Applicant therefore submits that the independent claims are not obvious from these documents. Thus, all dependent claims also are patentable at least in view of their dependency from an allowable independent claim.

For completion, the Panel's attention also is directed to pages 3-13 of Applicant's filed reply dated August 4, 2010, which also demonstrate the patentability of the subject claims.

Accordingly, for the reasons set forth above, the Panel is respectfully requested to reconsider and withdraw the outstanding rejections. A Notice of Allowance is therefore earnestly solicited.

Respectfully submitted:

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1/11/11
Date

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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited on the date shown below with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

J. Droniak
Name of Person Making Deposit

Jan. 11, 2011
Date